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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,331	12/21/2001	Yasumichi Hitoshi	021044-001310US	8086

20350 7590 07/13/2004

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

AKHAVAN, RAMIN

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/026,331

12/21/2001

Hitoshi

021044-001310 US

EXAMINER

Ramin (Ray) Akhavan

ART UNIT	PAPER
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1636

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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed 11/06/2003 is not fully responsive to the Office communication mailed 10/16/2003 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CFR Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 – 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to a bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 – 1.825), applicant is given a **TIME PERIOD of ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 – 1.825) in order to avoid abandonment of the application under 37 CFR 1.821 (g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **Ray Akhavan**, Art Unit 1636, whose telephone number is (571) 272-0766.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Remy Yucel** can be reached at (571) 272-0781. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application, or relating to attachments to this office action, should be directed to the Patent Analyst Zeta Adams, whose telephone number is (571) 272-0501.

Ray Akhavan
Examiner, Art Unit 1636


GERRY LEFFERS
PRIMARY EXAMINER

Notice to Comply

Application No.

10026331

Examiner

Ramin (Ray) Akhavan

Applicant(s)

Hitoshi et al.

Art Unit

1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

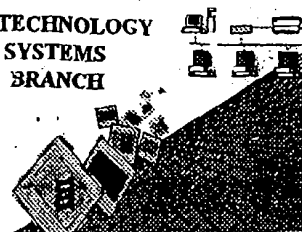
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CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/026,331A
Filing Date: 12/21/2001
Date Processed by STIC: 11/12/2003

STIC Contact: Mark Spencer; Telephone: 703-308-4212; Fax: 703-308-4221
Effective 12/13/03: Telephone: 571-272-2510; Fax: 571-273-0221

Nature of Problem:

- The CRF (was):
- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
 - ☐ Blank (no files on CRF) (see attached)
 - ☐ Empty file (filename present, but no bytes in file) (see attached)
 - ☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
 - ☐ Not saved in ASCII text
 - ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
 - ☐ Did not contain a Sequence Listing. (see attached sample)
 - ☐ Other: _____

**PLEASE USE THE CHECKER VERSION 4.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/eft/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. **Hand Carry directly to (EFFECTIVE 12/01/2003):**
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. **Federal Express, United Parcel Service, or other delivery service to:** U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202